

REMARKS

Applicants respectfully request favorable reconsideration of this application, as amended.

Initially, Applicants wish to express their appreciation for the Examiner's clarification of her interpretation of the Fukushima patent relative to Claims 5-8 in the Response to Arguments section of the outstanding Office Action.

In view of the Examiner's comments Claims 5 and 7 have been amended to further clarify the subject matter intended to be claimed. Claim 5 has been amended more particularly to recite that the ring member of the friction torque limiter has opposite axial end portions and a circumferential sidewall portion joining the opposite axial end portions, and further that the circumferential sidewall portion has a conical periphery providing a friction surface through which torque is transmitted. Claim 6 has similarly been amended to recite that the ring member of the friction torque limiter has opposite axial end portions and a circumferential sidewall portion joining the opposite axial end portions, with the circumferential sidewall portion having a conical peripheral friction surface which is frictionally engaged with an adjacent conical surface and

through which torque is thereby transmitted. See, e.g., ring 85 in Fig. 3.

It is apparent that the aforementioned features of Claims 5 and 7, as now particularly set forth, distinguish patentably from the asserted interpretation of Fukushima's conical depressions on an axial end face of ring 1. Additionally, with respect to Claim 7, Applicants respectfully note that the surfaces of balls 52 are spherical, not conical as contended in the Office Action. Accordingly, Fukushima also fails to meet the Claim 7 limitation regarding the frictional engagement of adjacent conical surfaces. Note also that dependent Claims 6 and 8 have been amended to recite that the friction surface is a radially outer peripheral surface of the circumferential sidewall portion of the ring member, thus further distinguishing from Fukushima.

It is therefore respectfully urged that the rejection of Claims 5-8 based on Fukushima now be withdrawn.

Turning now to Claim 2, the rejection based on Reik et al. (Reik) is respectfully traversed.

The Examiner's response to Applicants' arguments in the Amendment dated March 22, 2006 is set forth below.

While applicant is correct that Reik does not disclose the claimed spline connection of the press plate and the torque transmitting member, the examiner

maintains that it is not beyond the realm of one of ordinary skill in the art to employ. A spline connection would merely be an alternate equivalent means of attaching the press plate and torque transmitting member together. As long as this connection is maintained, a spline connection, a bolt connection, a weld connection, etc. are merely design preferences.

Significantly lacking from the Examiner's response above is any assertion of suggestion or motivation, based on prior art, actually to make the hypothetical modification of Reik asserted to be obvious. "Not beyond the realm of one of ordinary skill in the art" is not a proper basis for rejection under 35 U.S.C. § 103.

Further lacking from the response is any basis for the asserted equivalence of the claimed spline connection and Reik's arrangement of leaf springs 60 which are bolted at their opposite end portions to housing 57 and pressure plate 52. See Reik at col. 16, lines 53-59. Applicants respectfully submit that one of ordinary skill in the art would not regard splines and bolted springs as equivalents.

The Examiner would further appear to regard a spline connection, a bolt connection, and a weld connection also as equivalents. Clearly, they are not. A spline connection can allow relative axial movement of the connected components, whereas a simple bolt connection and a weld

connection will not, without further structural accommodation, allow such movement.

As is evident from the foregoing discussion, the rejection of Claim 2 is without proper basis to support a rejection under § 103 and is based on inappropriate views of equivalence of various connective structures. There is, quite simply, nothing in the art of record, to suggest redesigning Reik in such a manner as would be necessary to produce Applicants' invention as set forth in Claim 2, wherein a press plate has a radially outer peripheral portion spline engaged with a radially inner peripheral portion of the torque transmitting member.

The rejection of Claim 2 is thus untenable, and Applicants respectfully urge that it be withdrawn.

New Claims 9-13 have been presented in order to provide more comprehensive protection for Applicants' invention. Independent Claim 9 is based generally on previously cancelled Claim 3, but more particularly recites that the torque limiter includes a plurality of wet friction plates.

Fukushima, which was applied in an earlier rejection of Claim 3, is not seen to disclose this feature. Note also the further distinguishing features of dependent Claims 10-13.

Applicants respectfully submit that this application is in condition for allowance in view of the amendments and remarks presented herein.

Accordingly, it is respectfully urged that this application now be passed to issue.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (XA-9598) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on October 6, 2006.

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